

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA  
Montana Thirteenth Judicial District Court, County of Yellowstone

STATE OF MONTANA,	)	
	)	
Plaintiff,	)	
	)	CAUSE NO. DC-17-1452
-vs-	)	
	)	DECISION
ROSE ALVIRA NAST,	)	
	)	
Defendant.	)	

On February 5, 2018, the District Court sentenced the Defendant for the offense of Count I: Criminal Possession of Dangerous Drugs, to the Department of Corrections for three (3) years, to run consecutively to DC 16-107 and DC-15-946. For Count II: Obstructing a Peace Officer, misdemeanor, the Defendant was sentenced to the Yellowstone County Detention Facility for six months to run concurrently with Count I. The Defendant was given credit for time served from December 7, 2017 through February 5, 2018.

On April 6, 2018, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant was present and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that she understood this and stated that she wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.


Therefore, it is the unanimous decision of the Division that the sentence is AFFIRMED.

Done in open Court this 6<sup>th</sup> day of April, 2018.

DATED this 23 day of APRIL, 2018.

SENTENCE REVIEW DIVISION

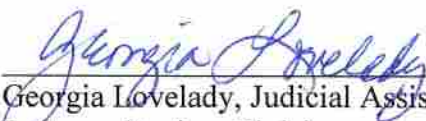
  
Hon. Kathy Seeley, Chairperson

  
Hon. Brenda Gilbert, Member

  
Hon. Dan Wilson, Member

Copies mailed this 3rd day  
of May, 2018, to:

Clerk of District Court (Original)  
Rose Alvira Nast #3018689, Defendant (2)  
Hon. Rod Souza  
Brent Getty, Defense Counsel  
Ingrid A. Rosenquist, Esq.  
Board of Pardons and Parole  
MWP - Records Dept.

  
Georgia Lovelady, Judicial Assistant  
Sentence Review Division